



What happens if someone under 21 is arrested for underage drinking?

Non-driving underage alcohol offenses and penalties

If you are under 21 years old and you possess, consume, buy or try to buy alcohol (even by asking somebody else to buy it), or if you have a measurable amount of alcohol in your blood, breath or urine, you will be subject to the following criminal penalties and civil driver license sanctions.

Criminal penalties: Up to 6 months in jail and up to \$1,850.00 in fines and surcharges. Civil driver license sanctions: For a first offense, your driver license will be suspended for 1 year. That suspension could be reduced if you complete an educational series related to the offense, but the reduction is not guaranteed, it is at the court's discretion. A second offense has the same criminal penalties and the civil driver license suspension period is two years (and there is no possibility of a suspension reduction on a second offense). These same laws apply if you are in a limousine.

If you are under 21 and you misrepresent your age to buy or get alcohol, or if somebody else misrepresents the age of somebody under 21 to buy or get them alcohol, the same criminal penalties and civil driver license sanctions apply (and there is no possibility of a suspension reduction for these offenses).

If you are under 21 and you use fake ID to try to get into a bar, social club or tavern, you are subject to the same criminal penalties and driver license sanctions, except that for a second offense the criminal penalties are up to a year in jail and up to \$4,625.00 in fines and surcharges, and for a third offense the fine and surcharges could be as high as \$9,250.00. (See Utah Code Ann. §§ 32B-4-409; 32B-4-411; 76-3-204; 76-3-301).

What happens if someone under 21 is arrested for drinking and driving?

Driving underage alcohol offenses and penalties

If you are under 21 and are convicted of driving under the influence, you are subject to at least the following penalties and sanctions. Criminal penalties: up to 6 months in jail and \$1,850.00 in fines and surcharges. Civil driver license sanctions: Suspension for 1 year or until you are 21, whichever is longer, and you will be required to have an ignition interlock device installed on your vehicle for 3 years and pay the fees for that. For a second offense the same criminal penalties apply and your driver license will be revoked for 2 years or until you are 21, whichever is longer, with additional interlock requirements.

If you are under 21 and you operate a motor vehicle (including a boat) with any measurable or detectable amount of alcohol in your body, the criminal penalties are the same as above, and your driver license will be revoked for one year. If you are under 21 you are an alcohol restricted driver, which means you cannot have any alcohol in your system while operating a motor vehicle, and you can be cited under the alcohol restricted driver law, which results in criminal penalties above, and civil driver license suspension or revocation.

If you are under arrest and you refuse to submit to a chemical test, for a first offense your driver license will be suspended for 2 years or until you are 21, whichever is longer, and you will be required to have an alcohol ignition interlock device installed in your vehicle. For a second offense, or if you have a previous DUI-related offense and refuse to submit, your driver license will be suspended for 3 years or until you are 21, whichever is longer. (See Utah Code Ann. §§ 41-6a-et seq.; 53-3-220; 53-3-225. The foregoing is a summary under 2011 laws and is not legal advice. Readers are encouraged to consult their attorney or the relevant sections of the Utah Code).

